

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Rabbani et al.

Application No.: 08/978,636

Group Art Unit: 1635

Filed: November 25, 1997

Examiner: A. Bowman

For: **Non-Native Polymerase Encoding Nucleic Acid Construct**

Confirmation No.: 4642

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT TRANSMITTAL**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. 1.56, 1.97 and 1.98, Applicants disclose hereby references which they believe may be material to the patentability of this application and with respect to which there may be a duty to disclose in accordance with 37 C.F.R. 1.56.

While the references may be "material" under 37 C.F.R. 1.56, it is not intended to constitute an admission that the references are "prior art" unless specifically designated as such.

The filing of this Supplemental Information Disclosure Statement shall not be construed as a representation that no other material references than those listed exist or that a search has been conducted.

The references listed below are Office Actions issued on the merits in related applications; they are available through PAIR. The above-referenced application is a division of application serial no. 08/574,443. Applicants note that application serial nos. 08/978,633; 08/978,634; 08/978,635; 08/978,637; 08/978,638 and 08/978,639 are divisional applications of application serial no. 08/574,443. Application serial no. 08/978,632 is a continuation of application serial no. 08/574,443. Application serial nos. 08/978,635 and 08/978,639 have been abandoned. Applicants note that additional applications have been filed: 11/929, 897, a continuation of 08/978,632; 11/925,929, a continuation of the above-referenced application;

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11/929,055, a continuation of 08/978,637; and 11/927,676, a continuation of 08/978,638; no Office Actions have issued in any of these applications.

**Prosecution in related applications**

Pat. App. No. 08574443 (Attny. Dkt. No. Enz-53) Non-Final Rejection 1999-02-19  
Pat. App. No. 08574443 (Attny. Dkt. No. Enz-53) Non-Final Rejection 1996-11-258

Pat. App. No. 08978632 (Attny. Dkt. No. Enz-53-C) Non-Final Rejection 2008-01-08  
Pat. App. No. 08978632 (Attny. Dkt. No. Enz-53-C) Final Rejection 2007-03-19  
Pat. App. No. 08978632 (Attny. Dkt. No. Enz-53-C) Non-Final Rejection 2005-09-23  
Pat. App. No. 08978632 (Attny. Dkt. No. Enz-53-C) Final Rejection 2002-05-20  
Pat. App. No. 08978632 (Attny. Dkt. No. Enz-53-C) Non-Final Rejection 2001-08-28  
Pat. App. No. 08978632 (Attny. Dkt. No. Enz-53-C) Final Rejection 2000-12-19  
Pat. App. No. 08978632 (Attny. Dkt. No. Enz-53-C) Final Rejection 2000-06-05  
Pat. App. No. 08978632 (Attny. Dkt. No. Enz-53-C) Final Rejection 1999-11-08  
Pat. App. No. 08978632 (Attny. Dkt. No. Enz-53-C) Non-Final Rejection 1999-02-03

Pat. App. No. 08978633 (Attny. Dkt. No. Enz-53-D1) Final Rejection 2008-02-25  
Pat. App. No. 08978633 (Attny. Dkt. No. Enz-53-D1) Non-Final Rejection 2003-04-08  
Pat. App. No. 08978633 (Attny. Dkt. No. Enz-53-D1) Final Rejection 2000-12-18  
Pat. App. No. 08978633 (Attny. Dkt. No. Enz-53-D1) Final Rejection 2000-06-05  
Pat. App. No. 08978633 (Attny. Dkt. No. Enz-53-D1) Final Rejection 1999-11-09  
Pat. App. No. 08978633 (Attny. Dkt. No. Enz-53-D1) Non-Final Rejection 1999-02-16

Pat. App. No. 08978634 (Attny. Dkt. No. Enz-53-D2) Non-Final Rejection 2007-06-01  
Pat. App. No. 08978634 (Attny. Dkt. No. Enz-53-D2) Final Rejection 2005-10-21  
Pat. App. No. 08978634 (Attny. Dkt. No. Enz-53-D2) Non-Final Rejection 2003-03-25  
Pat. App. No. 08978634 (Attny. Dkt. No. Enz-53-D2) Final Rejection 2000-12-19  
Pat. App. No. 08978634 (Attny. Dkt. No. Enz-53-D2) Final Rejection 2000-06-05  
Pat. App. No. 08978634 (Attny. Dkt. No. Enz-53-D2) Final Rejection 1999-11-09  
Pat. App. No. 08978634 (Attny. Dkt. No. Enz-53-D2) Non-Final Rejection 1999-02-17

Pat. App. No. 08978635 (Attny. Dkt. No. Enz-53-D4) Non-Final Rejection 2003-04-01  
Pat. App. No. 08978635 (Attny. Dkt. No. Enz-53-D4) Final Rejection 2001-01-17  
Pat. App. No. 08978635 (Attny. Dkt. No. Enz-53-D4) Final Rejection 2000-06-21  
Pat. App. No. 08978635 (Attny. Dkt. No. Enz-53-D4) Final Rejection 1999-11-24  
Pat. App. No. 08978635 (Attny. Dkt. No. Enz-53-D4) Non-Final Rejection 1999-02-16

Pat. App. No. 08978637 (Attny. Dkt. No. Enz-53-D5) Final Rejection 2008-04-16  
Pat. App. No. 08978637 (Attny. Dkt. No. Enz-53-D5) Non-Final Rejection 2007-04-04  
Pat. App. No. 08978637 (Attny. Dkt. No. Enz-53-D5) Final Rejection 2006-04-21  
Pat. App. No. 08978637 (Attny. Dkt. No. Enz-53-D5) Non-Final Rejection 2005-07-29  
Pat. App. No. 08978637 (Attny. Dkt. No. Enz-53-D5) Final Rejection 2004-02-11  
Pat. App. No. 08978637 (Attny. Dkt. No. Enz-53-D5) Non-Final Rejection 2003-05-01  
Pat. App. No. 08978637 (Attny. Dkt. No. Enz-53-D5) Final Rejection 2000-12-19

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Pat. App. No. 08978637 (Attny. Dkt. No. Enz-53-D5) Final Rejection 2000-06-05  
Pat. App. No. 08978637 (Attny. Dkt. No. Enz-53-D5) Final Rejection 1999-11-09  
Pat. App. No. 08978637 (Attny. Dkt. No. Enz-53-D5) Non-Final Rejection 1999-02-17

Pat. App. No. 08978638 (Attny. Dkt. No. Enz-53-D6) Final Rejection 2007-10-04  
Pat. App. No. 08978638 (Attny. Dkt. No. Enz-53-D6) Non-Final Rejection 2007-01-03  
Pat. App. No. 08978638 (Attny. Dkt. No. Enz-53-D6) Non-Final Rejection 2005-05-04  
Pat. App. No. 08978638 (Attny. Dkt. No. Enz-53-D6) Final Rejection 2003-12-19  
Pat. App. No. 08978638 (Attny. Dkt. No. Enz-53-D6) Non-Final Rejection 2003-03-25  
Pat. App. No. 08978638 (Attny. Dkt. No. Enz-53-D6) Final Rejection 2001-01-17  
Pat. App. No. 08978638 (Attny. Dkt. No. Enz-53-D6) Final Rejection 2000-06-20  
Pat. App. No. 08978638 (Attny. Dkt. No. Enz-53-D6) Final Rejection 1999-11-23  
Pat. App. No. 08978638 (Attny. Dkt. No. Enz-53-D6) Non-Final Rejection 1999-02-17

Pat. App. No. 08978639 (Attny. Dkt. No. Enz-53-D7) Non-Final Rejection 2007-01-03  
Pat. App. No. 08978639 (Attny. Dkt. No. Enz-53-D7) Non-Final Rejection 2005-05-04

Form PTO/SB0/08a also lists US patents, foreign patent documents, and non-patent literature that has not been made of record. Some of the non-patent literature has been submitted previously in related cases; it is available through PAIR. Those documents submitted herewith are listed below:

Foreign patent documents:

EP0273085                      1988-07-06                      Meyers et al.

Other non-patent references:

JOHANSEN et al. Proc. Natl. Acad. Sci. USA 93: 12400-12405. 1996

FERKOL et al. Gene Therapy 3: 669-678. 1996

MANSKY et al. J. Virol. 69: 5087-5094. 1995

JUNKER et al. Gene Therapy 2: 639-645. 1995

FERKOL et al. J. Clin. Invest. 95: 493-502. 1995

WU et al. J. Biol. Chem. 269: 11542-11546. 1994

WOLFE et al. Nucleic Acids Res. 22: 3147-3150. 1994

HIRSCH et al. Transplantation Proceedings 25: 138-139. 1993

GAO et al. Human Gene Ther. 4:17-24. 1993

DIBB "Why do genes have introns?" FEBS Letters 325: 135-139. 1993

BOS et al. Hybridoma 11: 41-51 1992

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PATTNAIK et al. Proc. Natl. Acad. Sci. USA 88: 1379-1383. 1991  
SULLENGER et al. Mol. Cell. Biol. 10: 6512-6523. 1990  
OLSEN et al. Proc. Natl. Acad. Sci. USA 87: 1451-1455. 1990  
US Patent Application 07446235 1989-12-04 Brakel et al.  
WU et al. J. Biol. Chem. 263: 14621-16624. 1988  
PUTNEY et al. Proc. Natl. Acad. Sci. USA 78: 7350-7354. 1981  
EDLIND et al. J. Bacteriol. 145: 1436-1441. 1981

It is respectfully requested that these references be considered by the Patent and Trademark Office in its examination of the above-identified application and be made of record therein. The Examiner is also invited to contact the Undersigned if there are any questions concerning this paper or the attached references.

The Information Disclosure Statement submitted herewith is being filed

☐ together with an RCE

☒ after submitting the RCE but before any subsequent Office Action

☐ before the mailing date of a first Office Action on the merits

☐ after the mailing date of a first Office Action on the merits.

Respectfully submitted,

Date: **June 17, 2008**

/Cheryl H Agris/

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